

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

NATIONAL ROOFING INDUSTRY
PENSION PLAN, et al.,

Plaintiffs,

V.

TAYLOR ROOFING SOLUTIONS, INC., et
al.,

Defendants.

No. 4:18CV1862 JCH

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs’ Supplemental Memorandum in Support of Plaintiffs’ Motion for Summary Judgment, filed March 21, 2022. (ECF No. 113). Despite having been granted until April 15, 2022, within which to do so, Defendant Gerrit Yank has not responded to the supplemental memorandum.

By way of background, in a Memorandum and Order entered January 24, 2022, the Court confirmed the January 22, 2021 decision of the Roofers Local 2 Joint Adjustment Board, and held Defendants Taylor Roofing Solutions, Inc. and Capitol Roofing Solutions, L.L.C. liable in the amount of \$1,228,750.15, plus attorneys' fees to be determined at a later date. (ECF No. 102). The Court noted that Taylor Roofing Solutions and Capitol Roofing Solutions, L.L.C. might be entitled to a set-off for amounts paid by former Defendant Beltran Contractors in settlement of Plaintiffs' claims against it.

With respect to Defendant Yank, the Court found that he could be held personally liable only for liabilities incurred after the effective dates of the dissolution of Taylor Roofing

Solutions.¹ The Court therefore denied Plaintiffs' Motion for Summary Judgment as to Defendant Yank, as genuine issues of material fact remained with respect to the issue of damages.²

On February 18, 2022, Plaintiffs moved to supplement their Motion for Summary Judgment, in order to submit evidence demonstrating the amount of liabilities incurred after the dissolution of Taylor Roofing Solutions. (ECF No. 109). The Court granted Plaintiffs' motion on March 8, 2022. (ECF No. 112),

As noted above, Plaintiffs filed the instant Supplemental Memorandum in Support of Plaintiffs' Motion for Summary Judgment on March 21, 2022. (ECF No. 113). With their supplemental memorandum, Plaintiffs provide uncontroverted evidence that the following is owed to Plaintiffs for the timeframe from November 9, 2018, through May 31, 2019: \$129,132.78 in unpaid contributions; \$33,750.09 in unpaid wages; \$1,012.50 in unremitted working dues; \$25,826.56 in liquidated damages; and \$13,835.00 in accounting costs. After allowing for the \$10,000.00 settlement setoff, Plaintiffs maintain Defendant Yank owes \$193,556.93, plus attorneys' fees and costs in an amount to be determined after the entry of judgment.

Upon consideration of the foregoing, the Court will grant Plaintiffs' Supplemented Motion for Summary Judgment.

CONCLUSION

Accordingly,

¹ According to Plaintiffs, Taylor Roofing Solutions was administratively dissolved in the State of Missouri on or about October 17, 2018, and in the State of Illinois on or about November 9, 2018. (Second Amended Complaint, ¶ 12).

² The Court further allowed for the possibility that Defendant Yank might be entitled to a set-off of any amounts due as a result of Plaintiffs' settlement with former Defendant Beltran Contractors.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiffs' Supplemented Motion for Summary Judgment (ECF No. 113) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiffs shall recover from Defendant Gerrit Yank the sum of \$193,556.93, consisting of \$129,132.78 in unpaid contributions, \$33,750.09 in unpaid wages, \$1,012.50 in unremitted working dues, \$25,826.56 in liquidated damages, and \$13,835.00 in accounting costs, minus \$10,000.00 in settlement setoff.

IT IS FURTHER ORDERED that Plaintiffs shall recover from Defendant Gerrit Yank reasonable attorneys' fees and costs, in an amount to be determined by the Court after Plaintiffs have filed appropriate supporting documents.

Dated this 22nd Day of April, 2022.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE